IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4992 OF 2005

Baburao Tukaram Pawar ... Petitioner

V/s.

Smt.Jijabai Tukaram Bhuyal ... Respondent

Mr.S.N. Gawade for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 3, 2005**

P.C.:

. The Petition challenges the concurrent finding of facts by the Courts below. A submission is made by placing reliance on the judgment in the case of *Gulam Hussain Noor Mohammad Vazir v/s. Jayantilal Jivraj,* **AIR (38) 1951 SAURASHTRA 10** that the trial Court not only ought to have framed an issue in respect of bonafide requirement of the suit premises by the plaintiff but also as to the reasonableness of the plaintiff's requirement of the suit premises. According to the learned Advocate for the Petitioner, the trial Court has framed an issue only in respect of the bonafide requirement whereas the appellate Court has considered both the requisite issues under section 13(1)(g) of the Bombay Rent Act. The Appellate Court ought to have remanded the matter to the trial Court rather than

deciding the issue itself, submits the learned Advocate.

2. I have perused the orders of the trial Court and the Appellate Court. There can be no doubt that the trial Court has considered not only the bonafide requirement of the Petitioner but also the reasonableness of her requirement. The trial Court has based its findings on the evidence led before it and has concluded that the Plaintiff requires the suit premises both bonafide and reasonably. The Appellate court also has concurrently given a finding that the requirement under section 13(1)(g) has been made out by the Plaintiff for ejectment of the Petitioner from the suit premises.

3. Reliance is placed on the judgment in the case of *Sitaram Narayan Shinde & Ors. v/s.Ibrahim Ismail Rais & ors.*, **2005(1) Mh.L.J. 35** to submit that the pleadings are vague and therefore, the suit ought not to have been decreed. In my view, the grounds are sufficiently made out in the pleadings and there is enough evidence to support the pleadings. The Courts below have rightly decreed the suit. There is no infirmity in the orders of the Courts below. Petition rejected.

4. On the application made by the Petitioner, the time to vacate the suit premises is extended upto 31.10.2005 on condition that the petitioner files an undertaking in this Court in the usual terms within two weeks from today.